

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER WAT-PT003 |
| INTERNATIONAL APPLICATION NO. PCT/AU2003/001372 | INTERNATIONAL FILING DATE October 16, 2003 | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/536,609 |
| TITLE OF INVENTION TRENCH FORMING AND PREPARING APPARATUS | | |
| APPLICANT(S) FOR DO/EO/US WAYNE GREGORY MITCHELL | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | |
| <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> | | |

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|---|--|---------------------------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/536,609 | INTERNATIONAL APPLICATION NO. PCT/AU2003/001372 | ATTORNEY'S DOCKET NUMBER WAT-PT003 |
|---|--|---------------------------------------|

20. Other items or information:

Power of Attorney to Customer Number 3624 appears in Declaration; Copy of Notification of Missing Requirements Under 35 USC 371; Communication Re Notification Of Missing Requirements; Form PTO-2038; Return Receipt Postcard

| | | | |
|---|--------------|---|--------------|
| The following fees have been submitted | | CALCULATIONS | PTO USE ONLY |
| 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... | | \$300 | \$ |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200 | | \$ | |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500 | | \$ | |
| TOTAL OF 21, 22 and 23 = | | 0 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE |
| - 100 = | /50 = | | x \$250 |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | \$ 130 | |
| CLAIMS | | NUMBER FILED | NUMBER EXTRA |
| Total claims | | - 20 = | x \$ 50 |
| Independent claims | | - 3 = | x \$200 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360 |
| | | TOTAL OF ABOVE CALCULATIONS = | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | | |
| | | SUBTOTAL = | \$ 65 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | \$ |
| | | TOTAL NATIONAL FEE = | \$ 65 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | \$ |
| | | TOTAL FEES ENCLOSED = | \$ 65 |
| 12/05/2005 LLANDGRA 00000061 10536609 | | Amount to be refunded: | \$ |
| 01 FC:2617 65.00 0P | | Amount to be charged | \$ |

Adjustment date: 01/23/2006 SAHMED1
12/05/2005 LLANDGRA 00000061 10536609
01 FC:2617 -65.00 0P

Refund Ref:
01/23/2006 0030028273

FORM PTO-1390 (REV. 07-2005)
Credit Card Refund Total: \$65.00

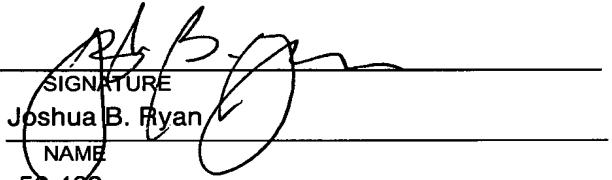
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0493. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

USPTO Customer Number 3624
Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103



SIGNATURE
Joshua B. Ryan

NAME
56,438

REGISTRATION NUMBER

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the PATENT APPLICATION of:

Wayne Gregory Mitchell

Application No.: 10/536,609

Our File: WAT-PT003

Confirmation No.: 2256

Date: November 30, 2005

Filed: Not Yet Known

For: TRENCH FORMING AND
PREPARING APPARATUS

Group: 3671

Examiner: Not Yet Known

**COMMUNICATION IN RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed from the Office on September 30, 2005, the below listed items are enclosed. Please note that a response to this Notice of Missing Parts was submitted by First Class Mail on October 28, 2005 but apparently, as of November 30, 2005, was not received by the Office. In an abundance of caution, Applicant hereby submits this response. If two responses are received, please credit any overpayments to deposit account no. 22-0493.

Applicant: Wayne Gregory Mitchell
Application No.: 10/536,609

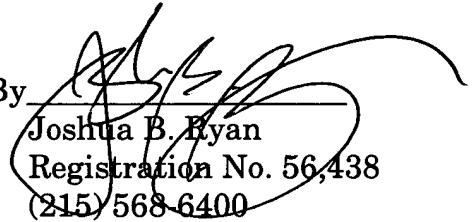
1. Copy of Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. Fully executed Declaration and Power of Attorney to Customer No.3624; and
3. Payment of the surcharge fee of \$65.00 (Form PTO-2038) for a small entity.

Early consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

Wayne Gregory Mitchell

By


Joshua B. Ryan
Registration No. 56,438
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

JBR/djw
Enclosures (2)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/536,609 | Wayne Gregory Mitchell | WAT-PT003 |

3624
 VOLPE AND KOENIG, P.C.
 UNITED PLAZA, SUITE 1600
 30 SOUTH 17TH STREET
 PHILADELPHIA, PA 19103

RECEIVED

AM/PM

OCT 04 2005

VOLPE & KOENIG, P.C.

INTERNATIONAL APPLICATION NO.

PCT/AU03/01372

I.A. FILING DATE

10/16/2003

PRIORITY DATE

11/28/2002

CONFIRMATION NO. 2256
 371 FORMALITIES LETTER



OC000000017147130

Date Mailed: 09/30/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/26/2005
- Copy of the International Search Report filed on 05/26/2005
- Copy of IPE Report filed on 05/26/2005
- Preliminary Amendments filed on 05/26/2005
- Information Disclosure Statements filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005
- Substitute Specification filed on 05/26/2005
- Priority Documents filed on 05/26/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

DOCKETED TUK 11/30/05- Resp. TO missing Requirements (DL: 3/30/06)
 + File Assignment

• \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/536,609 | PCT/AU03/01372 | WAT-PT003 |

FORM PCT/DO/EO/905 (371 Formalities Notice)